



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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February 8, 2006

BY FACSIMILE and BY ECF  
Hon. Magistrate Judge Cheryl L. Pollak  
U.S. District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Marianne Pizzitola v. City of New York, et al 04 Civ. 4801 (ILG)(CLP)

Dear Judge Pollak:

I am the attorney for defendants in the above-referenced action. I write with the consent of plaintiff's counsel, Matthew Conroy, to request a one-month adjournment, to the week of March 13, 2006 of the settlement conference which is currently scheduled for tomorrow, February 9, 2006. An adjournment is necessary because, although numerous depositions have been completed, the plaintiff's and one important witness are still outstanding. Both of these have previously been scheduled but have not taken place due to various professional, educational and family obligations of counsel and the witnesses themselves. Both depositions are scheduled to take place in the next two weeks. Without these depositions, defendants cannot properly assess the settlement value of this action, and therefore a settlement conference is premature.

This is defendants' first request for such an adjournment.

I apologize for the last-minute nature of this request. I have been out of the office attending either a witness preparation or a deposition, all day, every day this week. Your Honor's consideration of this request is appreciated.

Sincerely yours,

Phyllis Calistro

cc: M. Conroy (by fax)